

# **CONSERVATION COMMISSION**

## **MINUTES (APPROVED 5/23/07)**

**APRIL 25, 2007**

Present: J. Wiley, Chairman,  
A. Goetz, Vice Chair  
B.Dyer, R. Turner, E. DiVirgilio, R. Jones

Absent: K. Phelps

Also Present: L. Hershey, Conservation Agent  
P. Smith, Board Secretary

**Conservation Agent report was given to the members**

**Opened: 7:05**

### **GENERAL BUSINESS**

#### **WINTER ESTATES**

**DEP# 315-889**

#### **ORDER OF CONDITIONS**

The commission reviewed the draft special conditions #1-64 and made the following changes or additions: Prior to construction the engineer shall submit detail of the construction and method of construction of the detention basin for the commissions review. Certification that the construction detail has been met and approved by the commission will be a special condition. An oil and gas separator shall be placed in the last drainage system manhole before discharge to the basin.

**Mr. Goetz made the motion to accept and approve the Order of Conditions**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

Mr. Turner stated the Police Dept. received the letter that the commission wrote to the Board of Selectmen due to vandalism that has been occurring on town property. They will patrol the area of Turners Pond conservation land. The commission discussed posting signs stating this area is conservation land and there will be no motorized vehicles allowed or cutting of trees or other vegetation

### **CONT. PUBLIC HEARING**

#### **PLIMPTOVILLE CROSSING**

**DEP # 315-881**

**Opened: 7:35**

Mr. Wiley read the advertisement from the Walpole Times for the continued Public Hearing

Mr. Rick Merrikin, Merrikin Engineering presented alternative plans to the commission and would like to get feedback for which direction the board thinks they should take. Three alternatives were presented and discussed by the board. Mr. Merrikin stated the applicant prefers alternative C

Mr. Merrikin states alternative A would consist of a 2-3 story building with approximately eleven (11) units. The concept of a single building is not what the applicant would like to do, and he states the riverfront area will still be involved for drainage in this proposal.

Mr. Merrikin states that Alternative B will still involve the riverfront area although the limit of work is less. The problem is the cost factor. He states they are not supposed to burden the owner with increasing the cost to more than that was originally proposed. In this plan the owner would be required to install a sprinkler system. Seven (7) units would be constructed in this plan with four (4) up on the top

Alternative C shows three (3) units closer to the riverfront and three (3) up top with a turnaround. The detention area has been compacted in this plan with the basin being located underground. Mr. Merrikin states the amount of work in the riverfront in this plan is substantially reduced. This is the alternative the applicant prefers

Mr. Wiley read a letter by abutter Ms. Jeanne Putnam into the record

Mr. Merrikin stated the applicant is actually using less of the riverfront than is allowable as per the Wetland Protection Act. He also stated drainage is allowed to be put in the riverfront area

Ms. Hershey stated she would like to commend Mr. Merrkin for redesigning and pulling back from riparian area. She stated she would like information on how stormwater management would be handled, a vegetation plan and new drainage plans need to be submitted in detail on a new plan

Mr. Goetz stated he still would like to see the units reduced in number and questions why the owner wouldn't want a sprinkler system on this property. Mr. Goetz also stated he does not like the idea of the riverfront area being used.

Mr. Merrikin stated it is not the intent of the alternative plans to increase cost for the owner. He also stated the amount of units proposed is not something that the regulations have a say in.

Mr. Wiley asked for questions or comments from the audience

Ms. Olga Hurley, 7 Alston Dr. asked about the detention basin and how the water was going to be infiltrated.

Mr. Gary Cieplic, 224 Plimpton St. asked if the commission had any say in the amount of units proposed

Mr. Wiley asked the commission which alternative plan they preferred. They discussed that Alternative B may be less intrusive to the riparian area. The commission discussed getting more information and comparisons on plans B and C.

Mr. Merrikin agreed to get this information to the board

**Mr. Goetz made the motion to continue the Public Hearing until May 23, 2007 at 8:30 p.m.**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

## **PUBLIC HEARING**

**GRISTMILL LN**

**LOTS 16-22**

**Opened: 8:35**

**Mr. Jones recused himself from the Public Hearing**

Mr. Wiley read the advertisement for 7 Lots on Gristmill Lane from the Walpole Times. Green cards were collected

Mr. Wiley read board comments regarding each individual lot

Mr. Rob Truax, GLM Engineering and applicant John Walsh, Walsh Bros. Building Co. were present

Mr. Truax gave an overview of the proposed 7-lot subdivision. He stated this area was part of an Open Space plan approximately ten years ago. Mr. Truax stated that 50% of land was designated as Open Space with conservation restrictions and the lots are extremely small. Because of this they are requesting a 10ft. no-disturb area instead of the 25ft that the commission prefers. He did state the commission has approved other lots with a 10ft. no disturb in this area. Mr. Truax states that lots 16-22 all back up to wetlands that have been reflagged this past year. He stated the detention basin located on Lot 16 has been completed and is part of the acceptance plan. There is another basin located on Lots 20 and 21 being constructed now along with the roadway

Ms. Hershey stated she has reviewed the wetlands line and wanted to discuss and compromise the 10ft no-disturb request individually on each lot. She stated a stream runs

behind some of the lots and 10 ft. is not enough to protect the resource area on some of these lots. Ms. Hershey feels further review is needed, possibly a site visit  
Mr. Wiley states that when the subdivision was approved in 1994 a 10ft buffer was sufficient as far as the conservation commission was concerned. Since that time the regulations have changed but the board needs to consider this when looking at the individual lots. He stated that on some Lots the 25ft no-disturb could be waived. Mr. Wiley suggested the commission complete a site visit to look at what was set aside as Open Space and each Lot in this filing.

The commission discussed a site visit set up for April 26<sup>th</sup> at noontime

**Mr. Goetz made the motion to continue the Public Hearing until May 23, 2007 at 7:00**

**Mr. DiVirgilio seconded the motion**

**Vote: 4-0-0**

**PUBLIC HEARING  
REQUEST FOR DETERMINATION  
PINNACLE DR. #19**

**Opened: 9:30**

Mr. Wiley read the advertisement from the Walpole times and green cards were collected

Mr. Bob Blaine, of Andrews Pool Co., and applicant Ed Murray of 19 Pinnacle Dr. were present to discuss the proposal for the construction of an in-ground. Mr. Blaine states the filing is due to the proximity of the project to riverfront area of the Neponset River. The only area that will be disturbed is lawn area. Mr. Blaine states he will be using a ionization system and there will no chemicals used in this project

Ms. Hershey asked if any excavated materials would be stockpiled or trucked out. She stated that the activity is within 200 ft. of riverfront to the Neponset and that is the reason for the filing request. She has no issues with the project.

Mr. Goetz states he has no issues with this

**Mr. Goetz made the motion to close the Public Hearing**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

**Closed: 9:35**

As a special condition, the commission discussed dechlorination of any pool water upon discharge should chlorine be used.

**Mr. Goetz made the motion to approve and issue a Negative 3 Determination**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

### **EXTENSIONS**

#### **ROYAL CREST COUNTRY CLUB (RAINBOW POND) DEP# 315-803**

**Mr. Goetz made the motion to issue a one-year extension**

**Mr. DiVirgilio seconded the motion**

**Vote: 4-0-0**

#### **HIGH OAKS IV SUBDIVISION DEP# 315-501**

Ms. Hershey states this extension request was submitted, but does not expire until June. She states she would like to go out and review the site prior to issuing an extension. This will be put on the next agenda.

### **CERTIFICATE OF COMPLIANCE**

#### **WALPOLE HIGH SCHOOL DEP # 315-622**

The commission discussed that since an as-built plan will not be submitted, the commission needs a statement that the work pertaining to conservation issues has been completed to the satisfaction of the Town Engineer.

### **ENFORCEMENT ORDER**

#### **LOTS 109 AND 120 MILL BROOK AVE**

Mr. Goetz and Ms. Hershey met with the Compagnones on a site visit April 19, 2007. Mr. Goetz states that the area appears to be stable now. After walking the two properties, Mr. Goetz feels more information is needed. Ms. Hershey states that Mr. Compagnone's Engineer from Colonial Engineering, Mr. DeSimone, called the office this morning and stated that Mr. Compagnone has not complied with what has been asked of him by the conservation commission. He states it is a waste of his time to come to any more conservation meetings because of this.

The commission discussed getting town council involved

On Lot 120, the commission discussed actions and deadlines that must be followed in order to bring the site into compliance. Deadlines for the fill to be removed will be extended to 5/4, the final grade for planting will be set by 5/11, and the specific plantings and fence as shown on the plan by Colonial Engineering will be completed by 5/18.

Failure of compliance by Mr. Compagnone will result in fines of \$300 a day per violation.

The commission discussed sending a letter regarding Lot 109 stating Cease and Desist until a permit is obtained. The work in the back yard is in the buffer zone and was not approved.

On Lot 110 the Order of Conditions has not been recorded and work is being done. The commission discussed the letter should state all work should stop until the Order is recorded at the Registry of Deeds subject to the fine of \$300 a day per violation if this is ignored

The Town Constable will serve all three of these letters

## **MINUTES**

**APRIL 11, 2007**

**Mr. Goetz made motion to accept the Minutes of April 11, 2007**

**Ms. Dyer seconded the motion**

**Vote: 3-0-1 (Mr. DiVirgilio abstained)**

The following correspondence was discussed and available for the commissions review

- Algonquin Gas Transmission Expansion project
- Hollingsworth & Vose
- Prehearing report – 18 Frontier Dr.
- Mass DEP news report

**Mr. Goetz moved to adjourn**

**Mr. DiVirgilio seconded the motion**

**Meeting Closed: 10:30**